

## **PUTNAM COUNTY BOARD OF ZONING APPEALS MINUTES**

March 8, 2021

The Putnam County Board of Zoning Appeals met for its regular monthly meeting on March 8, 2021 at 7:00 p.m. in the Putnam County Courthouse, 1 West Washington Street, 1<sup>st</sup> Floor, Greencastle, IN 46135. Raymond McCloud called the meeting to order at 7:00 p.m. A roll call was taken to determine a quorum. The following members were present: Raymond McCloud, Kevin Scobee, Randy Bee, and Ron Sutherlin. Also present were Jim Ensley, attorney; and Lisa Zeiner, Plan Director. Lora Scott was not present. Audience present see attached sign in sheet.

### **REVIEW OF MINUTES**

Raymond McCloud asked if there were any corrections or additions to the February 8, 2021 meeting minutes.

Kevin Scobee made a motion to approve the minutes as submitted.

Ron Sutherlin seconded the motion. The February 8, 2021 minutes were approved as submitted with all in favor.

### **OLD BUSINESS:**

**UPDATE UNSAFE BUILDING CODE: CEDAR CREST MOTEL** – parcel located at 3936 E US 40 Greencastle, Indiana and 4518 S CR 400 E Greencastle Indiana.

Lisa Zeiner present pictures taken at 10:30 a.m. on March 8<sup>th</sup> showing the condition of the property.

Kim Brinker, property owner, stated that they were not able to get the property clean up, but they had tried. Ms. Brinker acknowledged that the board would likely proceed with bidding the work out.

Jim Ensley stated that a motion would be needed to bid. Mr. Ensley explained that the property owner could continue to work on the clean up as the bidding process does not happen overnight. Mr. Ensley stated that the bids would have to be opened by the Commissioners and then sent to the BZA. Mr. Ensley explained that there would be a chance that the bids could be opened at the second meeting of the Commissioners in April.

Mr. Sutherlin stated that bids had been received.

Mrs. Zeiner explained that the original bids included the motel that was on the property, but since that building has been torn down all that is left is basically the clean-up. Mrs. Zeiner stated that the bids should be lower with the demolition of the motel already being complete.

Ms. Brinker stated that they would continue to work on the property.

Mr. McCloud made a motion to proceed with getting bids for the remaining work on the properties.

Mr. Ensley stated that the bids would not be ready for the Board to look at until the May meeting.

Randy Bee seconded the motion.

The motion to proceed with obtaining bids for the remaining work on the properties was approved with all in favor.

**GRASSICK AVENUE PROPERTY** – parcel located at 4522 N Grassick Avenue Greencastle, Indiana.

Mr. Ensley gave a brief recap on this property, stating that about a year ago this property was brought before the board with a dispute on the zoning the Plan Director at the time stated it was A2 and the board upheld that classification. Mr. Ensley continued explaining that the complainant then hired an attorney, and the case was brought before the circuit court who ruled that the property was zoned R2. Mr. Ensley explained that in an R2 district fertilizer storage/equipment storage would be allowed with a Special Exception or the property could be rezoned to A2. The owner of the property, Mr. David Whitaker has failed to file an application for rezoning or a special exception and is therefore not in compliance with the zoning ordinance. Mr. Ensley stated he could send an ordinance violation letter.

Mr. Scobee stated that he would be in favor of sending the ordinance violation letter.

Eddie Feilding, attorney for the complainant, stated that the court had rule on this property four months ago. Mr. Feilding asked that a formal notice of violation be sent with a per day fine of \$2,500 with the find starting ten days after receipt of the letter.

Mr. Sutherlin asked if Mr. Feilding's request was different than the letter Mr. Ensley was referring.

Mr. Ensley stated that Mr. Feilding's request was nicer than the letter that Mr. Ensley would have sent.

Mr. Scobee made a motion to send Mr. Whitaker a letter immediately stating that if he does not apply for either a rezoning or special exception within ten days from the receipt of the letter, fines of \$2,500 per day will be assessed.

Mr. Bee seconded the motion.

The motion to send Mr. Whitaker a letter with imposed fines was approved with all in favor.

**NEW BUSINESS:**

**2021-BZA-7: TABITHA CLIFFORD – DEVELOPMENT STANDARDS VARIANCE:**

Reduction in road frontage and parcel sized to allow three building sites; Zoned A2 in Greencastle Township 4/14N/4W (1639 N US 231 Greencastle – just outside 2-mile fringe).

Tabitha Clifford, owner of the property, approached the board. Ms. Clifford stated that there were two dwellings on the property. Ms. Clifford explained that they are wanting to build a third home which is why they are asking for a variance.

Mr. McCloud asked if all dwellings would share the same driveway.

Ms. Clifford stated that they would share the driveway. Ms. Clifford explained that the existing driveway goes all the way to the back of the parcel where the proposed new dwelling will be located.

Mr. Sutherlin asked about the existing dwellings.

Ms. Clifford stated that there was a farm house and to the east a modular dwelling.

Mr. Scobee explained that this property was owned by Tim Perkin's parents and the dwelling were constructed prior to zoning.

There was a brief discussion on the previous owners of the property.

Mr. McCloud asked about the septic systems and if a new system would be installed for the proposed dwelling.

Ms. Clifford stated that a new system would be installed and that the existing dwellings had each had their own septic system.

Mr. Sutherlin asked if the existing dwellings were being used as residences.

Ms. Clifford stated that both dwellings were being rented out.

Mr. Bee stated that he needed to be recused from the vote on this case as there could be a conflict of interest.

Mr. McCloud opened the floor for public comment.

John Hendrich, an adjoining property owner, approached the board. Mr. Hendrich stated that he did not want to see a new driveway cut on 231. Mr. Hendrich further stated that he was concerned that the back wooded area would be turned into a dirt track for four wheelers. Mr. Hendrich asked what the long-term plan for the second house was.

Ms. Clifford stated that both existing dwellings would be rental units.

Mr. Scobee made a motion to approve the development standard variance as presented.

Mr. McCloud seconded the motion.

The development standard variance was approved with three (3) of the present members in favor and Mr. Bee abstaining.

**2021-BZA-9: CHRISTINE GRADY – DEVELOPMENT STANDRAD VARIANCE:** Reduction in road frontage and parcel size to allow two building sites; Zoned A1 in Jefferson Township 30/14N/2W (9723 E CR 300 S Coatesville)

Greg Williams, with ASA Land Surveying, approached the board on behalf of the petitioner. Mr. Williams explained that the existing road frontage for the parcel was 624.8 feet. Mr. Williams stated that the petition was planning on placing a dwelling close to the road and the other one further back off the road. Mr. Williams explained that both dwellings would use the existing drive.

Mrs. Zeiner stated that the only concern from the Health Department was the existing waterlines as it appears that this parcel was used as a campground with approximately seventeen sites.

Christine Grady, property owner, approached the board. Mrs. Grady explained the Baker's Septic Service had been to the property and staked out the location of the two mound systems. Mrs. Grady showed the board where the septic systems were proposed and the location of the waterlines on the plat.

Mr. McCloud opened the floor for public comment.

Emily Edwards approached the board and stated that she just wanted more details. Mrs. Edwards stated that she was concerned about the field tiles that run through the area and yards. Mrs. Edwards explained that she wanted to make sure there would not be any drainage issues. Mrs. Edwards then review the proposed plat.

Josh Edwards approached the board and asked about the buildings.

Mrs. Grady stated that the only existing building on the property was a barn in the back that would remain.

Mr. Williams stated that in an A1 zoning district it was required that a parcel be five acres and have 350 feet of road frontage. Mr. Williams explained that the variance would allow for reduced acreage on one parcel and reduction in road frontage for both parcels.

Mr. Bee asked if the road frontage for the 18-acre parcel was proposed at 175 feet.

Mr. Williams stated the road frontage for the 18-acre parcel was 175 feet.

Mr. Bee stated that he would like to see a bit more road frontage for the 18-acre parcel.

Mrs. Grady stated that her son would be building on the smaller parcel and she would be building on the larger parcel.

Mr. Williams asked if the board was wanting to reduce the 450 feet for the 4.6 acre parcel and not change the size of the parcel.

Mr. Scobee stated that the 4.6 acre parcel could be longer and shorter to give more road frontage to the 18 acre parcel.

Mr. Williams explained that by doing that it would get into the area for the other dwelling.

Mr. Edwards stated that he did not want two dwellings across from his property.

Mrs. Grady stated that they closed on the property in December.

Mr. McCloud asked what other buildings were on the property.

Mrs. Grady stated that there was a pole barn, a small sheep barn and a pond.

Mr. McCloud asked if the trees would hide the dwellings.

Mrs. Grady stated that trees were densely scattered throughout the property.

Mr. McCloud asked how far from the property line a dwelling had to be.

Mrs. Zeiner stated that the side setback for a dwelling would be thirty (30) feet from the property line.

John Hendrich approached the board. Mr. Hendrich stated that the property owner knew the rules for the property at the time of purchase in December, but now they are wanting to change them. Mr. Hendrich stated that rules are in place for a reason.

Mr. Williams explained that the property was surveyed by an out of county surveyor, who then called him when as he was not familiar with the rules for the county.

Mr. Ensley stated that the Board of Zoning Appeals exists to allow exceptions. Mr. Ensley explained that there is an appeals process and that every situation is different.

Mr. Hendrich stated that when he split off property for his daughter, he followed all the rules.

Mr. Ensley stated that the current zoning ordinance was adopted in 1992. Mr. Ensley explained that Hendricks County, for example, as a more diverse ordinance. Mr. Ensley stated that the county was looking at re-doing the zoning ordinance since the one that was drafted in 2008 did not get approved. Mr. Ensley also stated that the county was looking at the Comprehensive Plan and having meetings with different groups.

Mr. Williams stated that the petitioner is following the rules by coming before the board.

Mr. McCloud stated that when the zoning ordinance was originally passed 10 acres were required with 500 feet of road frontage, an amendment was passed and now the requirement is 5 acres with 350 feet of road frontage. Mr. McCloud explained that a lot of farm ground was lost with the 10-acre rule.

Mr. Williams stated that the Board of Health has been to the property and there is more than enough room for two septic systems.

Mr. Scobee asked Mr. Edwards if more road frontage was added to the 18-acre parcel, if as a neighbor he would be okay with that.

Mr. Edwards stated no.

Mr. McCloud stated that he would like to see more road frontage on the 18-acre parcel.

Mr. Bee stated that he would like for the 4.6-acre parcel to be 5 acres and for the 18-acre parcel to have more road frontage.

Mr. Williams stated that the Homestead Variance allows for 200 feet of road frontage and three acres. Mr. Williams explained that there is not enough existing acreage for a conservation subdivision. Mr. Williams stated that a subdivision would not be allowed in an agricultural district.

Mrs. Zeiner explained that the purpose of an agricultural district is to preserve farm ground, subdivisions do not preserve farm ground.

Mr. Sutherlin asked if 50 feet can be taken for the 4.6-acre parcel and give it to the 18-acre parcel and move the rear property line of the 4.6-acre parcel back 50 feet.

Mrs. Grady stated that it would make the property line closer to where the proposed dwelling would be. Mrs. Grady stated that the proposed location for the dwelling is approximately 600 feet from the pond and that a ravine/creek runs through the area.

Mr. Bee stated that he would like to see the parcel more in compliance with the zoning ordinance.

Mr. Scobee stated that the 4.6-acre parcel could be 500 feet by 400 feet.

Mr. Williams stated that would make that parcel 4.95-acres.

Mrs. Grady stated that the proposed dwellings are 30 foot by 70-foot modular homes.

Mr. Edwards asked the board to reconsider the proposal as modular homes would lower the property values in the area.

Mrs. Grady stated that if the neighbors are concern with the view and seeing the dwellings, trees could be planted along the road.

Mr. Bee made a motion to approve the development standard request with the following conditions:

1. The smaller parcel is to be 400 feet in width (along the road) by 500 feet in length
2. Plant pine trees along the smaller parcel along the road while maintaining site distance
3. Trees are to be located at least 30 feet from the road.

Mr. Sutherlin seconded the motion.

The development standard variance with stated conditions was approved with all in favor.

Mrs. Zeiner stated that Lora Scott had asked for additional reports, but since she was not at the meeting the discussion on the reports would be tabled to the next meeting.

Mr. McCloud asked the board their thoughts on moving the barn so that it was at least ten (10) feet from the property line.

Mr. Bee stated that ten (10) feet would be better.

Mr. McCloud made a motion to approve the development standards variance with the following stipulations:

1. The barn must be at least ten (10) feet from the east and north property lines
2. No other buildings would be allowed to be built on this property
3. The proposed barn could not exceed 60 feet by 30 feet

Mr. Ensley stated that commitments would have to be recorded in case the property was sold.

Mr. Scobee seconded the motion.

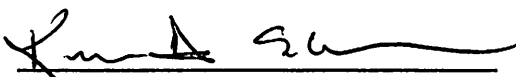
The Development Standards Variance for 13689 N CR 50 W with the above stated stipulations was approved with three in favor (Mr. Scobee, Mr. McCloud, and Mr. Bee), one abstaining (Mrs. Scot) and one opposed (Mr. Sutherlin).

There being no other business, Mr. Bee made a motion to adjourn the meeting.

Mr. Scobee seconded the motion.

Meeting adjourned at 8:19 p.m.

Minutes approved on the 12th day of April 2021.

  
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Kevin Scobee, Vice-President

Putnam County  
Board of Zoning Appeals  
Sign in Sheet  
March 8, 2021

1. Clayton McInnaman

2. Joset EDWARDS

3. DAVID McInnaman

4. EMILY EDWARDS

5. CHRIS GRADY

6. COMBARK

7. Greg Williams

8. Kim Brinker

9. Tabitha Clifford

10. David [Signature]

11. JENNIFER REMENTS

12. \_\_\_\_\_

13. JOHN HENDRICH

14. \_\_\_\_\_

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**PUTNAM COUNTY BOARD OF ZONING APPEALS**  
**1 Courthouse Square Room 46**  
**GREENCASTLE, IN 46135**  
**(765) 301-9108**

**DATE:** MARCH 8, 2021

**TIME:** 7:00 P.M.

**PLACE:** 1 W. WASHINGTON ST., 1<sup>ST</sup> FLOOR, GREENCASTLE

**NEXT MEETING DATE:** APRIL 12, 2021

**AGENDA**

- 1) **CALL TO ORDER**
- 2) **ROLL CALL DETERMINATION OF QUORUM**
- 3) **REVIEW OF MINUTES** – February 8, 2021 Meeting
- 4) **OLD BUSINESS**
  - a. **UPDATE UNSAFE BUILDING CODE: CEDAR CREST MOTEL** - 3936 E US 40 Greencastle, Indiana 46135; 4518 S Co Rd 400 E Greencastle, Indiana 46135 – **PROPERTY CLEANED UP OR GO TO BIDS**
  - b. **GRASSICK AVENUE PROPERTY:** December 14, 2020 meeting Board discussed Special Exception or Rezoning of property owned by Mr. Whitaker, who is running a business that was not allowed in the zoning district for the property.
- 5) **NEW BUSINESS**
  - a. **2021-BZA-7: TABITHA CLIFFORD – DEVELOPMENT STANDARDS**  
**VARIANCE:** Reduction in road frontage and parcel size to allow three building sites; Zoned A-2 in Greencastle Township 4/14N/4W (1639 N US 231 Greencastle – Just outside 2-mile fringe).
  - b. **2021-BZA-9: CHRISTINE GRADY – DEVELOPMENT STANDARDS**  
**VARIANCE:** Reduction in road frontage and parcel size to allow two building sites; Zoned A-1 in Jefferson Township 30/14N/2W (9723 E CR 300 S Coatesville)
- 6) **COMMUNICATION REPORT**
  - a. Monthly Report
- 7) **ADJOURNMENT**



CEDARCREST MOTEL PROPERTY  
March 8, 2021



Picture Posted on Facebook by Jefferson Township Fire Department – when dispatched Sunday March 7, 2021 to an illegal burn.

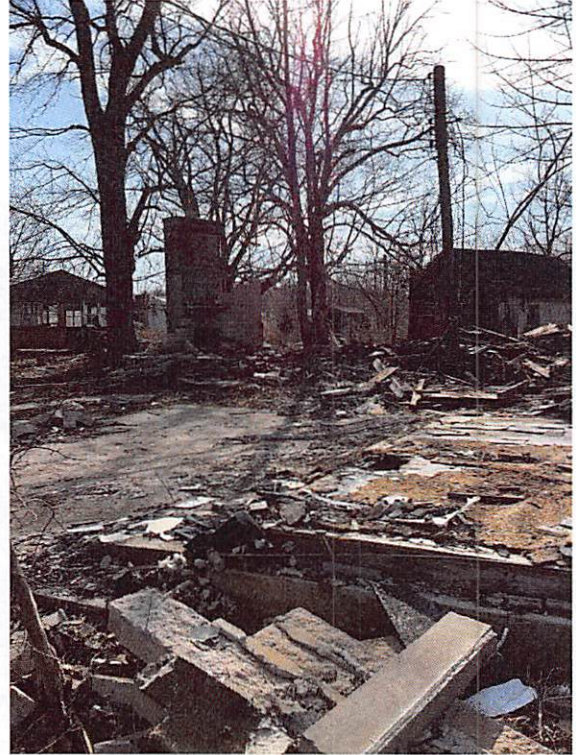


Picture taken 3.8.2021 at 10:30 a.m.

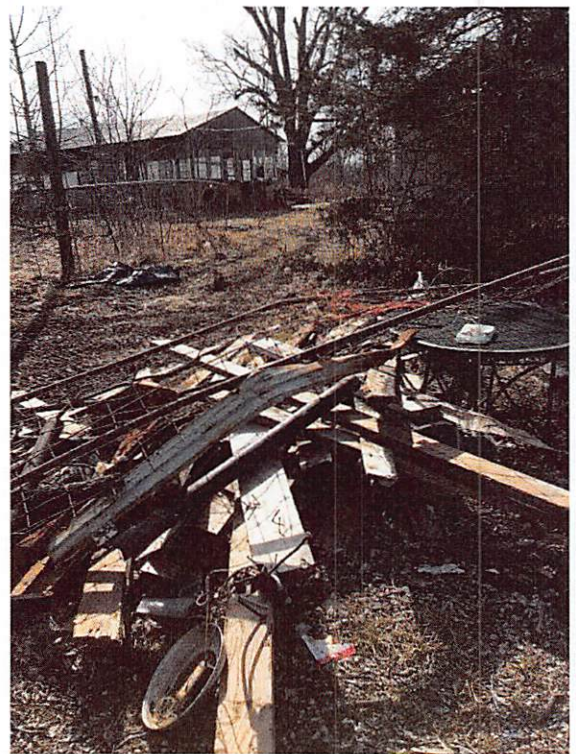


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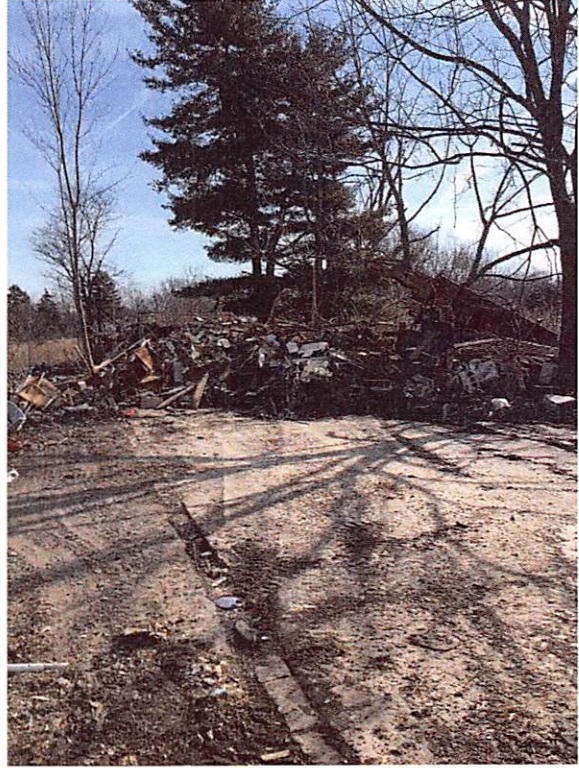


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